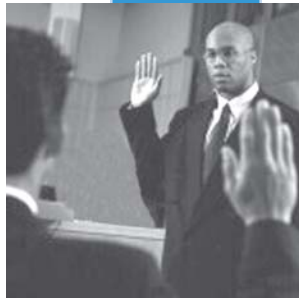


Grand Jury Handbook



Your service as a grand juror is important to all of the citizens of Maryland. It is an obligation and a responsibility which ensures equal treatment under the law for all.

Presented by the Maryland Judiciary
Public Awareness Committee and
Council on Jury Use and Management

Congratulations!

You have been chosen to serve as a grand juror. Service on the grand jury is one of the cornerstones of the Maryland criminal justice system. In fact, the system, as it existed in England at the time of settlement of this country, was included in the Declaration of Rights of the Maryland Constitution. It continues to be an integral part of the justice system.



The grand jury stands as a barrier between the state's power to prosecute and the general public. Its responsibility is to evaluate the state's evidence against a person and decide whether there is probable cause for the criminal charge. This process protects the accused and the public from unwarranted prosecution. It forces the state to show that it is seeking a conviction based on more than rumor, speculation, or hunch.

Grand juries are selected at random from a fair cross section of the citizens who reside in the county where the court convenes. No citizen may be excluded from service because of his or her race, color, religion, sex, national origin, or economic status. You cannot volunteer for jury service or recommend that others serve. Additionally, it is illegal for an employer to terminate an employee solely because of time lost by the employee when he or she responded to a summons or attended court for service or potential service as a grand juror. Grand jury service is an important public service and it is the obligation of every citizen to serve when summoned.

This handbook is designed to answer questions you may have about your appointment and duties as a grand juror. Please read it carefully before reporting to court so that you may have a better understanding of the process and your service. After reading this handbook, if you still have questions, please visit the Jury Service page of the Maryland Judiciary's Website at:

www.courts.state.md.us/jury/index.html

Jury service is serious business

Court personnel carefully monitor each step of the process. Potential jurors who ignore the summons for jury service can be fined or imprisoned, or both.

How is a grand jury chosen?

A citizen becomes a potential juror when he or she registers to vote or obtains a driver's license or MVA Identification card.

Depending upon the city or county of residence, a computer randomly chooses names from either or both the lists of registered voters in the county and the Motor Vehicle Administration lists. A "juror qualification form" is mailed to each person chosen by the computer. Within 10 days, the potential juror fills in the following required information: name, age, address, sex, education, occupation, spouse's occupation, how long s/he has lived in the county, prior jury service, any physical or mental problems that may prevent the person from serving,

whether person can read, write, speak, and understand English, whether there are any pending criminal charges or convictions (other than minor traffic offense).

The purpose for providing such information is to ensure that the grand jury can fairly and impartially decide and investigate the matters presented to it and to ensure that the jury is representative of the community.



Grand jury v. petit jury

Two primary types of juries serve the American judicial system: the grand jury and the petit jury. In French, "grand" means large and "petit" means small. When the jury system began, a grand jury had a larger number of members than a petit jury, thus their names. However, the grand jury in no way serves a more significant (or larger) role than the petit jury. Rather, each performs a distinct but equally important function.

The grand jury does not hear both sides of the case and does not determine the guilt or innocence of the accused. This is determined by a petit (trial) jury if and when there is a trial. The grand jury only determines whether there is probable cause that the accused committed the crime. If the accused is later tried by jury, it is a petit jury that determines guilt or innocence. Grand juries generally review criminal cases, while petit juries also consider civil cases.

Who is exempt?

Some people are exempt from jury service. Those people are: certified members of an organized militia, or persons over the age of 70 who make a written request to be exempted.

Persons who have served on juries within the previous three years, under certain circumstances, may not be required to serve.

The oath

Each grand jury is composed of 23 members who have taken an oath of secrecy to decide fairly the matters presented before the body. The oath that you will be administered may be as follows:

"[Name], you do solemnly declare and affirm that you, shall diligently inquire, and true presentment make, of all such matters and things as shall be given you in charge, or shall otherwise come to your knowledge, touching this present service; the counsel of the State of Maryland, your fellows and your own, you shall well and truly keep secret; you shall present no person for envy, hatred, malice, or ill will; neither shall you leave anyone unrepresented for love, fear, favor, or affections, or for any hope or promise of reward, but you shall present all things truly, as they come to your knowledge, according to the best of your understanding."



Who may be disqualified

A potential juror may be disqualified if he or she:

- Is not eligible to vote in the county where he or she lives,
- Cannot read, write, speak, or understand the English language,
- Has a physical or mental illness which would make him or her incapable of service,
- Has criminal charges pending against him or her, has been convicted of crime where the sentence was more than \$500 or six months' imprisonment or both, and has not been pardoned,
- Is a party in a civil lawsuit, in which a jury may be called, or
- Is less than 18 years of age.

Officers of the grand jury

After selecting the grand jury, the judge will appoint one member to act as Foreperson and another to be the Assistant Foreperson. Additional officers may be appointed or elected by the group. The responsibilities of the officers may vary, depending on the customs and practices of each jurisdiction.



Generally:

- The Foreperson acts as the leader by counting votes and signing indictments, dismissals, and/or reconsiderations. He or she signs and verifies attendance records, requests that witnesses and records be subpoenaed, and assures timely submission of the grand jury's reports. The Foreperson may appoint a secretary, an oath clerk, and a doorman. Sometimes, such decisions are made by a majority of the grand jury itself. The Assistant Foreperson presides in the absence of the Foreperson.
- The Secretary records indictments and presents them to the Foreperson for his or her signature, and keeps the attendance records of the grand jury.
- The Oath Clerk swears witnesses before they testify. The oath to be given is as follows: "You do solemnly promise and declare that the testimony you are about to give before this grand jury shall be the truth, the whole truth, and nothing but the truth."
- The Doorman calls witnesses and ensures that only authorized persons are in the grand jury room during hearings and deliberations.

You should know . . .

Grand jury proceedings must be decided based on the evidence presented alone. It is illegal for anyone to attempt to influence the grand jury. This includes written requests, phone calls, and so on. If you are contacted by anyone regarding your duties as a grand juror, you should immediately notify the State's Attorney (SA) or the Assistant State's Attorney (ASA).



The SA or ASA is an important figure in grand jury proceedings. Not only does the SA or ASA bring witnesses before you to testify, but also acts as your legal advisor. The SA or ASA can answer legal and procedural questions that you may have, but cannot remain in the grand jury room while you deliberate or while a vote is taken.

Duties of the grand jury

indicting defendants

The primary responsibility of the grand jury is to decide whether the State has enough evidence against a suspect to bring charges formally. This process begins with a presentation by the SA or ASA, which may include a description of the elements of the crimes. The SA or ASA may call witnesses to testify before you, and invite you to ask questions of the witnesses as well.



You should not expect to hear all of the state's evidence against the accused. The state is only required to present those facts it believes are necessary for a probable cause determination. It is the petit jury's responsibility to determine whether the accused is guilty beyond a reasonable doubt. Thus, you will not normally hear any evidence in defense of the accused.

Hearsay evidence is appropriate for grand jury proceedings because it is an investigatory process. However, such testimony is generally not admissible at trial. After all witnesses have testified, you will be given time to decide whether there is probable cause for the accused to be charged with the crime. If you decide there is enough evidence to support the submitted charges, you will vote for indictment. If the jury votes to indict, the Foreperson will sign "a true bill," and formal charges will be brought against the accused.

At the end of each day during your service, you will come before the court and your Foreperson will deliver any indictments you decided during the day. Such indictments become the official accusation in the circuit court.

visiting correctional facilities

Maryland law requires that the grand jury tour local correctional facilities located in the county (or Baltimore City) once a year to investigate their operation and management. You should be specifically concerned with the condition and maintenance of the facility and the treatment of the inmates. Any concerns that you find are to be reported to the Court. In Maryland, grand juries also may be asked to examine other situations in their respective counties as well. Such duties are in keeping with the role of today's grand jury as a protector of the public.



private citizens

A private individual may approach the grand jury to offer information and/or to request that the grand jury investigate a particular matter. The grand jury should ensure that the individual is not attempting to improperly influence them or any member in the execution of their duties. It is suggested that requests for investigation be put in writing and presented to the entire body and/or SA or ASA for appropriate investigative action.

drafting a report

It is customary for the grand jury to submit a report to the Court at the end of its term. You may want to read prior grand jury reports. Previous reports will help you to understand what is expected of you and focus your activities so that there is some continuity between yourselves and your predecessors.

The report should summarize the grand jury's activities, comment on the conditions in the community, and make recommendations for improvements to the criminal justice system. This report will also contain the findings of your investigation into local correctional facilities.



Secrecy

All grand jury proceedings must be kept secret. This is a requirement imposed by Maryland law. It allows jurors and witnesses to be completely honest as they talk about evidence and make decisions. Each member takes an oath that he or she will not talk about what is said during deliberations. Jurors may not discuss evidence with the press, their families, or the public. Nor are they allowed to discuss their votes. In short, nothing that happens during a grand jury proceeding may leave the room.

Another feature of the secrecy of the proceedings is that the law requires that only authorized persons can be present in the grand jury room. When the grand jury takes testimony, the only persons legally authorized to be present are the grand jurors, the sworn stenographer or clerk, the prosecutors working with the grand jury, and only one witness. If any other persons are present, the proceeding is illegal and any indictment issued on the basis of the proceeding must be dismissed.

Frequently used terms

Fifth Amendment Right

The right for an accused person to remain silent/not respond to questions, in order to prevent self-incrimination.

Immunity from Prosecution

Protection from prosecution in exchange for testimony that might not otherwise be forthcoming.

Probable Cause

Reasonable grounds for belief in the existence of facts that support a charge; the basis for issuing a charging document or search warrant.

State's Attorney and Assistant State's Attorney

Prosecute criminal offenses, represent the state in criminal litigation.

Stenographer

One who records what goes on in the grand jury room.

Petit Jury

A jury for the trial of an action; in Maryland, generally 12 for criminal trials and six for civil trials, not including alternates.

Transcript

An official, typed record of a proceeding, including word-for-word testimony of witnesses, statements by attorneys, rulings by and instructions of the judge, etc., prepared by a reporter from stenographic notes or electronic recordings made during the proceeding